

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

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In re: Darrell D. Edwards,  
  
Debtor.

Chapter 13  
  
Case No. 11-23195-MDM

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Darrell D. Edwards,  
  
Plaintiff,

v.

Adversary Proceeding  
Case No. 11-02505-MDM

Deutsche Bank National Trust Company as Trustee,  
  
Defendant.

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**MOTION FOR RECONSIDERATION**

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The above referenced debtor, Darrell Edwards by Attorney Rollie R. Hanson hereby moves the Court to reconsider the Order dated December 23, 2011 granting the Defendant's Motion to Dismiss Adversary Proceeding, Overruling Debtor's Objection to Proof of Claim Number 5 pursuant to Federal Rule of Civil Rule of Civil Procedure 60(b).

In support of this motion, the debtor respectfully shows to the Court as follows.

1. The debtors asserts that there has been a mistake in the finding in that the debtor has conceded that Deutsche Bank National Trust Company currently holds the note purportedly endorsed in blank. The Debtor disputes that said Deutsche Bank holds or possesses the note. Said Deutsche Bank has never produced the note and there is not sufficient evidence to enter a ruling without a proper examination of the original note.
2. The debtor further asserts that there can be no presumption of validity or authenticity

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of any purported endorsements on the note in this case absent production and examination of the original note. The debtor asserts that the acceptance of a photocopy of the note attached to the claim in this case is not and cannot be treated the same as an original endorsement. Further, the debtor asserts that the purported signatures by the same person, namely Damon Merritt as Assistant Secretary for both Decision One Mortgage Company, LLC and Intervale Mortgage Corporation defeats any presumption of validity or authenticity without adequate explanation and examination of the original note.

WHEREFORE the debtor requests that the Court reconsider the Order dated December 23, 2011 and to allow for further discovery in this matter to include discovery and examination of authentic original documents and not photocopies.

AND FURTHER, to allow for discovery pertaining to the authority of Damon Merritt to sign on behalf of two (2) different entities, including any authority granted by Power of Attorney.

Dated this 9<sup>th</sup> day of January, 2012 at West Allis, Wisconsin.

/s/Rollie R. Hanson  
Attorney for Debtor

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Deutsche Bank National Trust Company,  
  
Defendant.

Additional Party  
Mary B. Grossman, Chapter 13 Trustee

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**NOTICE OF MOTION FOR RECONSIDERATION**

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PLEASE TAKE NOTICE that the debtor, Darrell D. Edwards, by The Law Office of Rollie R. Hanson, S.C., by Attorney Rollie R. Hanson, has filed papers with the Court for a Motion to Reconsider the Order on the Motion to Dismiss Adversary Proceeding, Overruling the Debtor's Objection to the Proof of Claim Number 5 pursuant to Federal Rule of Civil Procedure 60(b) in the above entitled case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

If you do not want the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, you or your attorney must file a written request for a

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hearing within fourteen (14) days with the Bankruptcy Clerk at the following address:

Clerk, United States Bankruptcy Court  
Eastern District of Wisconsin  
517 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

If you mail your request to the Court for filing, you must mail it early enough so the Court will receive it on or before fourteen (14) days after this Notice. You must also mail a copy to:

The Law Office of Rollie R. Hanson, S.C.  
6737 West Washington Street, Suite 1420  
West Allis, Wisconsin 53214

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

Dated this 9<sup>th</sup> day of January, 2012 at West Allis, Wisconsin.

/s/ Rollie R. Hanson  
Rollie R. Hanson, Attorney for Debtors

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**AFFIDAVIT OF SERVICE**

STATE OF WISCONSIN                    )  
  ) SS:  
COUNTY OF MILWAUKEE                )

Leigh Anne Muller, being first duly sworn and under oath, hereby states that on January 9, 2012 she served, via CM/ECF, a true and correct copy of the *Motion to Reconsider and Notice of Motion to Reconsider* to the following parties:

Attorney Erik Weidig	<a href="mailto:ewidig@foley.com">ewidig@foley.com</a>
Attorney Jay J. Pitner	<a href="mailto:bknotices@gray-law.com">bknotices@gray-law.com</a>
Mary Grossman Chapter 13 Trustee	<a href="mailto:ecf@chapter13milwaukee.com">ecf@chapter13milwaukee.com</a>
United States Trustee	<a href="mailto:ustpreion11.mi.ecf@usdoj.gov">ustpreion11.mi.ecf@usdoj.gov</a>

Dated this 9<sup>th</sup> day of January, 2012 at West Allis, Wisconsin.

/s/ Leigh Anne Muller  
Leigh Anne Muller

Subscribed and sworn to before me  
this 9<sup>th</sup> day of January, 2012.

/s/ Rollie R. Hanson

Rollie Hanson  
Notary Public, State of Wisconsin  
My Commission is Permanent

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